

## **REMARKS**

The Office Action dated April 15, 2010, has been received and reviewed. This response, submitted along with a Petition for a Three-Month Extension of Time and a Request for Continued Examination (RCE), is directed to that action.

Claim 1 has been amended, and claims 3, 4, 9 and 10 have been cancelled. Support for the amendments to claim 1 can be found in paragraph [0017] of the corresponding published US application no. 2007/0027053 A1. No new matter has been added.

The applicants respectfully request reconsideration in view of the following remarks.

### **Claim Rejections- 35 U.S.C. §102**

The Examiner rejected claims 1, 3, 6 and 9 under 35 U.S.C. §102(b) as anticipated by Foscarina (GB 1,242,247). The applicants respectfully traverse this rejection.

To anticipate a claim, the reference must disclose each and every element of the claimed invention. *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 2 USPQ 2d 1051 (Fed. Cir. 1987). The applicant's submit that Foscarina does not teach each and every element of the claims, as amended herein.

The presently claimed invention is now directed, in general, to a liquid detergent composition comprising a coated enzyme and a bleaching agent coated with a *protein film*, and wherein the coated bleaching agent is a substrate for the coated enzyme. The applicants submit that Foscarina fails to teach that the bleaching agent coating is a protein film and further that the coated bleaching agent is a substrate for the enzyme. Foscarina

only teaches that the bleaching agent is coated with a material such as fatty acids. (page 2, lines 28-31). There is no teaching or suggestion to use a protein film to coat the bleaching agent.

While the lack of teaching of a protein film coating is surely sufficient to overcome the novelty rejection, Foscarina *also* fails to teach that the coated bleaching agent is a substrate for the coated enzyme.

Based on the foregoing reasons, the applicants respectfully submit that Foscarina does not anticipate the present claims, and request that the Examiner withdraw this rejection.

#### Claim Rejections- 35 U.S.C. §103

The Examiner rejected claims 1 and 3-12 under 35 U.S.C. §103(a) as obvious over Domburg et al. (US 5,747,441) in view of Kamel et al. (US 5,230,822). The applicants respectfully traverse these rejections.

A *prima facie* case of obviousness cannot be established because the differences between the presently claimed invention and the prior art references are outside the scope of the level of ordinary skill in the art. A skilled artisan, after reading Domburg and Kamel, would have to make several modifications to Domburg in order to achieve the present invention. The modifications, when taken as a whole, would require an extraordinary amount of experimentation, foresight and ingenuity that is beyond what can be deemed obvious to a skilled artisan.

First, Domburg fails to teach a *protein film* bleach coating. A skilled artisan reading Domburg is taught only that a protein gel can be used. There is nothing to

suggest using a protein film, and a skilled artisan would have no reason to make this substitution.

Second, Domburg is clearly directed to a solid granular composition while the present invention is directed to a liquid composition. There is no reason why a skilled artisan would look to a solid composition for teachings related to liquid compositions, and there is no reason why a skilled artisan would modify Domburg to make a liquid composition from a solid composition.

Third, Domburg fails to teach a coated enzyme. While the applicants acknowledge that Kamel teaches a coated enzyme, the applicants maintain that this is just one more modification that a skilled artisan would have to make to Domburg to achieve the present invention. As stated above, there is a limit to the number of modification that a skilled artisan can make to a primary references before the differences fall outside the scope of the ordinary level of skill in the art.

Finally, neither Domburg nor Kamel teach or suggest an embodiment where the coated bleaching agent is a substrate for the coated bleaching. The Examiner acknowledged this omission in the final office action, but responded by asserting that “it is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by the applicant”. (Office Action, page 8, line 21 to page 9, line 1). This is not disputed by the applicants. However, the applicants respectfully, but strongly, disagree that it is relevant to the present claims. The claimed limitation states that “wherein the protein film coating bleaching agent is a substrate for the enzyme”. This is a *physical* limitation, not merely a result or advantage stemming from the claimed

combination. Even still, the Examiner has not provided any evidence that this would be an inherent consequence of the presently claimed invention.

A skilled artisan would not have had the requisite motivation to make all of the modifications to Domburg necessary to achieve the present invention. Rather, a high level of inventive and nonobvious thought was employed in order to come up with the present invention. Accordingly, the applicants respectfully submit that a *prima facie* case of obviousness cannot be established, and respectfully request that the Examiner withdraw this rejection.

The Examiner also rejected claims 5, 7, 11 and 12 under 35 U.S.C. §103(a) as obvious Foscarina in view of Domburg. The applicants respectfully traverse this rejection.

The applicants hereby incorporate by reference their remarks regarding Foscarina and Domburg herein, and further submit that even when combined, the references fail to teach or suggest the presently claimed invention to a person of ordinary skill in the art. Accordingly, the applicants respectfully request that the Examiner withdraw this rejection.

Applicants believe that the claims are in condition for allowance, and such favorable action is respectfully requested. If any issues remain, the resolution of which may be advanced through a telephone conference, the Examiner is invited to contact the applicants' attorney at the phone number listed below.

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

**ADDITIONAL FEES**

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263

Respectfully submitted,

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